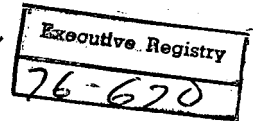




CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D. C.

OFFICE OF THE DIRECTOR



3 February 1976

MEMORANDUM FOR: Morning Meeting Participants

Jack Marsh asked for any additional comments that we might have on S 2893 (the Church Committee's oversight bill, attachment A). The purpose of this exercise is to develop an Administration position regarding this bill as well as to possibly develop our own bill for a joint committee.

25X

I would appreciate your written comments by Thursday Noon so that we can discuss our views prior to submitting them to the White House.

Re attachment B: We have been given until close of business on Thursday to respond to the Restrictions Executive Order. I hope that everyone will be in a position to discuss it at the meeting on Thursday.

25X1

Special Counsel to the Director

Attachments:
2 as stated

Tab B

THE WHITE HOUSE

WASHINGTON

February 2, 1976

MEMORANDUM TO:

PHIL BUCHEN
BILL HYLAND
BOB ELLSWORTH
HAL SAUNDERS

[REDACTED]
NINO SCALIA
DON OGILVIE

FROM:

JACK MARSH 

SUBJECT:

The Restrictions Executive Order

The Defense Department and Justice Department have been working on a redraft of the restrictions executive order. They have not reached total agreement on all parts of the draft. In a number of different areas, this redraft varies from the draft that was included in the materials in the President's decision book on the Intelligence Community. Enclosed are copies of both drafts.

There will be an Intelligence Coordinating Group meeting tomorrow afternoon to discuss the two drafts and to determine the procedures for determining the final draft of the executive order.

25X

25X

Page Denied

Next 2 Page(s) In Document Denied

BEST COPY

Available

Page Denied

Next 23 Page(s) In Document Denied

94TH CONGRESS
2D SESSION

S. 2893

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1976

Mr. CHURCH (for himself, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HUDDLESTON, Mr. MATHIAS, Mr. MONDALE, Mr. MORGAN, and Mr. SCHWEIKER) introduced the following bill; which was read twice and by unanimous consent referred to the Committee on Government Operations, to report not later than March 1, 1976, then to the Committee on Rules and Administration, to report not later than March 20, 1976

A BILL

To establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Oversight
4 Act of 1976".

5 SEC. 2. It is the purpose of this Act to establish a new
6 standing committee of the Senate, to be known as the Com-
7 mittee on Intelligence Activities, to oversee and make con-
8 tinuing studies of the intelligence activities and programs of
9 the United States Government. In carrying out this purpose,

1 the Committee on Intelligence Activities shall make every
2 effort to assure that the appropriate departments and agencies
3 of the United States provide informed and timely intel-
4 ligence necessary for the executive and legislative branches
5 to make sound decisions affecting the security and vital
6 interests of the Nation. It is further the purpose of this Act
7 to provide vigilant legislative oversight over the intelligence
8 activities of the United States to assure that such activities
9 are in conformity with the Constitution and laws of the
10 United States.

11 SEC. 3. Sections 4 through 12 of this Act are enacted—

12 (1) as an exercise of the rulemaking power of the
13 Senate, and as such they shall be considered as part of the
14 Standing Rules of the Senate, and such rules shall super-
15 sede other rules only to the extent that they are in-
16 consistent therewith; and

17 (2) with full recognition of the constitutional right
18 of the Senate to change such rules at any time, in the
19 same manner, and to the same extent as in the case of
20 any other rule of the Senate.

21 SEC. 4. Rule XXIV of the Standing Rules of the Senate
22 is amended by adding at the end thereof a new paragraph
23 as follows:

24 "3. (a) Five members of the Committee on Intelligence
25 Activities shall be appointed by the majority leader of the

1 Senate and four shall be appointed by the minority leader of
2 the Senate.

3 “(b) No Senator may serve on the Committee on In-
4 telligence Activities for more than six years, exclusive of
5 service by any Senator on such committee during the Ninety-
6 fourth Congress. To the greatest extent practicable, the re-
7 quirements of this section shall be met by selecting three
8 Senators to serve on such committee at the beginning of the
9 Ninety-sixth Congress and each Congress thereafter who did
10 not serve on such committee during the preceding Congress.

11 “(c) At the beginning of each Congress, the members
12 of the Committee on Intelligence Activities appointed by the
13 majority leader shall select a chairman and the members of
14 such committee appointed by the minority leader shall select
15 a vice chairman. The vice chairman shall act in the place and
16 stead of the chairman in the absence of the chairman.”.

17 SEC. 5. (a) Paragraph 1 of rule XXV of the Standing
18 Rules of the Senate is amended by adding at the end thereof
19 the following new subparagraph:

20 “(s) (1) Committee on Intelligence Activities, to which
21 committee shall be referred all proposed legislation, messages,
22 petitions, memorials, and other matters relating to the
23 following:

24 “(A) The Central Intelligence Agency and the
25 Director of Central Intelligence.

1 “(B) Intelligence activities of all other departments
2 and agencies of the Government, including, but not lim-
3 ited to, the intelligence activities of the Defense Intelli-
4 gence Agency, the National Security Agency, and other
5 agencies of the Department of Defense; the Department
6 of State; the Department of Justice; and the Department
7 of the Treasury.

8 “(C) The organization or reorganization of any
9 department or agency of the Government to the extent
10 that the organization or reorganization relates to a func-
11 tion or activity involving intelligence activities.

12 “(D) Authorizations for appropriations for the
13 following:

14 “(i) The Central Intelligence Agency.

15 “(ii) The Defense Intelligence Agency.

16 “(iii) The National Security Agency.

17 “(iv) The intelligence activities of other agen-
18 cies and subdivisions of the Department of Defense.

19 “(v) The intelligence activities of the Depart-
20 ment of State.

21 “(vi) The intelligence activities of the Federal
22 Bureau of Investigation, including all activities of
23 the Domestic Intelligence Division.

24 “(vii) Any department, agency, or subdivision
25 which is the successor to any agency named in item

1 (i), (ii), or (iii); and the activities of any depart-
 2 ment, agency, or subdivision which is the successor
 3 to any department or bureau named in item (iv),
 4 (v), or (vi) to the extent that the activities of such
 5 successor department, agency, or subdivision are
 6 activities described in item (iv), (v), or (vi).

7 “(2) The Committee on Intelligence Activities shall
 8 have exclusive jurisdiction over all matters described in sub-
 9 clauses (A) and (D) of clause (1). Nothing in this Act
 10 shall repeal or diminish the jurisdiction of other standing
 11 committees of the Senate as to the matters described in sub-
 12 clauses (B) and (C) of clause (1). To the extent that the
 13 jurisdictions of other standing committees of the Senate in-
 14 clude the matters described in subclauses (B) and (C) of
 15 clause (1), the jurisdiction of such other standing commit-
 16 tees shall be concurrent with that of the Committee on In-
 17 telligence Activities.”.

18 (b) Paragraph 3 of Rule XXV of the Standing Rules
 19 of the Senate is amended by inserting:

“Intelligence activities----- 9”

20 immediately below

“District of Columbia----- 7”.

21 (c) Paragraph 6 of rule XXV of the Standing Rules
 22 of the Senate is amended by adding at the end thereof
 23 the following new subparagraph:

1 “(i) For the purposes of this paragraph, service of a
2 Senator as a member of the Committee on Intelligence
3 Activities shall not be taken into account.”.

4 SEC. 6. The Committee on Intelligence Activities of the
5 Senate, for the purposes of accountability to the Senate, shall
6 make regular and periodic reports to the Senate on the nature
7 and extent of the intelligence activities of the various depart-
8 ments and agencies of the United States. Such committee
9 shall promptly call to the attention of the Senate or to any
10 other appropriate committee or committees of the Senate
11 any matters deemed by the Committee on Intelligence
12 Activities to require the immediate attention of the Senate
13 or such other committee or committees. In making such
14 reports, the committee shall proceed in such manner as
15 will protect national security.

16 SEC. 7. No member of the Committee on Intelligence
17 Activities of the Senate and no employee of such committee
18 shall disclose, except in closed session of the Senate, any
19 information in the possession of or obtained by such com-
20 mittee relating to the activities of the Central Intelligence
21 Agency or the intelligence activities of any other depart-
22 ment or agency of the United States, unless authorized by
23 such committee.

24 SEC. 8. (a) No person may be employed as a profes-
25 sional staff member of the Committee on Intelligence Activi-

1 ties of the Senate or be engaged by contract or otherwise to
2 perform professional services for or at the request of such
3 committee for a period totaling more than six years.

4 (b) No employee of such committee or any person
5 engaged by contract or otherwise to perform services for or at
6 the request of such committee shall be given access to any
7 classified information by such committee unless such em-
8 ployee or person has (1) agreed to be bound by the rules
9 of the Senate and of such committee as to the security of such
10 information during and after the period of his employment or
11 contractual agreement with such committee; and (2) re-
12 ceived an appropriate security clearance as determined by
13 such committee in consultation with the Director of Central
14 Intelligence. The type of security clearance to be required
15 in the case of any such employee or person shall, within the
16 determination of such committee in consultation with the
17 Director of Central Intelligence, be commensurate with the
18 sensitivity of the classified information to which such em-
19 ployee or person will be given access by such committee.

20 SEC. 9. The Committee on Intelligence Activities of the
21 Senate shall formulate and carry out such rules and proce-
22 dures as it deems necessary to prevent the disclosure, with-
23 out the consent of the person or persons concerned, of in-
24 formation in the possession of such committee which unduly
25 infringes upon the privacy or which violates the constitu-

1 tional rights of such person or persons. Nothing herein shall
2 be construed to prevent such committee from publicly dis-
3 closing any such information in any case in which such com-
4 mittee determines the national interest in the disclosure of
5 such information clearly outweighs any infringement on the
6 privacy of any person or persons.

7 SEC. 10. (a) The Committee on Intelligence Activities
8 of the Senate may disclose any information upon the com-
9 mittee's determination that the national interest would be
10 served by such disclosure. In any case in which such com-
11 mittee decides to disclose any information requested to be
12 kept secret by the President, such committee shall notify
13 the President to that effect. Such committee may not disclose
14 such information until the expiration of ten days following
15 the day on which notice is transmitted to the President. If
16 (1) prior to disclosure of such information the President
17 submits a written certification to the Senate through such
18 committee stating his opinion, and the reasons therefor,
19 that the threat to national security posed by such disclosure
20 outweighs any public interest in disclosure and that the
21 question of disclosure is of such importance to the vital
22 interests of the United States that it requires a decision by
23 the full Senate, and (2) after receipt of a certification by
24 the President made pursuant to this subsection, the Com-
25 mittee on Intelligence Activities decides to refer the ques-

tion of disclosure of such information to the Senate, such information may not be disclosed unless the Senate agrees to a resolution approving the disclosure of such information, or the Senate agrees to a resolution referring the matter to the Committee on Intelligence Activities for final disposition, and the Committee on Intelligence Activities thereafter approves the disclosure of such information.

(b) Any question referred to the Senate by the Committee on Intelligence Activities pursuant to subsection (a) shall be disposed by the Senate by a vote on such question within three calendar days following the day on which the question is reported to the Senate, excluding days on which the Senate is not in session.

SEC. 11. The Committee on Intelligence Activities of the Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 12. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by S. Res. 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee shall be transferred to the Committee on Intelligence Activities.

SEC. 13. (a) Notwithstanding any other provision of

1 law, it shall be the duty of the head of each department and
2 agency of the United States to keep the Committee on In-
3 telligence Activities of the Senate fully and currently in-
4 formed with respect to intelligence activities which are the
5 responsibility of or engaged in by such department or agency.

6 (b) Notwithstanding any other provision of law, it shall
7 also be the duty of the head of any department or agency
8 of the United States involved in any intelligence activities
9 to furnish any information or document in its possession, cus-
10 tody, or control, or witness in its employ, whenever requested
11 by the Committee on Intelligence Activities of the Senate
12 with respect to any matter within such committee's juris-
13 diction.

14 (c) No department or agency of the United States may
15 engage in, directly or indirectly, any significant covert or
16 clandestine operation in foreign countries unless and until the
17 Committee on Intelligence Activities of the Senate has been
18 fully informed of the proposed activity by the head of the
19 department or agency concerned prior to the time such
20 activity is initiated. This subsection shall not apply to activ-
21 ities intended solely for collecting necessary intelligence.

22 (d) The provisions of subsection (c) of this section
23 shall not apply during military operations initiated by the
24 United States under a declaration of war by the Congress

1 or an exercise of powers by the President under the War
2 Powers Resolution.

3 Sec. 14. No funds may be appropriated for any fiscal
4 year beginning after September 30, 1976, to or for the use
5 of any department or agency of the United States to carry
6 out any of the following activities, unless such funds have
7 been previously authorized by law to carry out such activity
8 for such fiscal year.

9 (1) The activities of the Central Intelligence
10 Agency.

11 (2) The activities of the Defense Intelligence
12 Agency.

13 (3) The activities of the National Security Agency.

14 (4) The intelligence activities of other agencies
15 and subdivisions of the Department of Defense.

16 (5) The intelligence activities of the Department
17 of State.

18 (6) The intelligence activities of the Federal Bureau
19 of Investigation, including all activities of the Domestic
20 Intelligence Division.

21 (7) Any activity of any department, agency, or
22 subdivision which is the successor to any department,
23 agency, or subdivision named in clause (1) through

1 (6) to the extent that such activity is one described in
2 such clauses.

3 SEC. 15. As used in this Act, the term "intelligence
4 activities" means (1) the collection, analysis, production,
5 dissemination, or use of information affecting the relations of
6 the United States with any foreign government, political
7 group, party, military force, movement or other association,
8 and other activity which is in support of such activities;
9 (2) activities taken to counter similar activities directed
10 against the United States; (3) covert or clandestine activi-
11 ties affecting the relations of the United States with any
12 foreign government, political group, party, military force,
13 movement or other association; (4) the collection, analysis,
14 production, dissemination, or use of information about ac-
15 tivities of persons within the United States, its territories
16 and possessions, or nationals of the United States abroad who
17 pose, or may be considered by any department, agency,
18 bureau, office, division, instrumentality, or employee of the
19 United States to pose a threat to the security of the United
20 States, and covert or clandestine activities directed against
21 such persons. Such term does not include tactical foreign mili-
22 tary intelligence serving no national policymaking function.

23 SEC. 16. Nothing in this Act shall be construed as con-
24 stituting an authorization for the conduct of any activity not
25 otherwise authorized by law.

1 SEC. 17. If any provision of this Act, or the application
2 thereof to any person or circumstance, is held invalid, the
3 validity of the remaining provisions and the application of
4 such provisions to other persons or circumstances shall not
5 be affected thereby.